



Marine Navigation Levy Act 1989

No. 161, 1989

Compilation No. 2

Compilation date:	19 June 2018
Includes amendments up to:	Act No. 41, 2018
Registered:	19 June 2018

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Marine Navigation Levy Act 1989* that shows the text of the law as amended and in force on 19 June 2018 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to impose a levy on certain sea-going ships, and for related purposes

1 Short title

This Act may be cited as the *Marine Navigation Levy Act 1989*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.
- (2) If this Act does not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences:
 - (a) if the first day after the end of that period is the first day of a quarter—on that day; or
 - (b) in any other case—on the first day of the quarter next following the end of that period.

3 Definitions

In this Act:

Collection Act means the *Marine Navigation Levy Collection Act 1989*.

ton means a whole ton.

tonnage, in relation to a ship, means:

- (a) where the net tonnage of the ship has been determined by a method consistent with the provisions of the International Convention on Tonnage Measurement of Ships, 1969—the net tonnage so determined; or
- (b) in any other case—the net registered tonnage of the ship.

Note: The text of the Convention is set out in Australian Treaty Series 1982 No. 15 ([1982] ATS 15). In 2012, the text of a Convention in the

Section 4

Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

4 Interpretation

In this Act, expressions have the same meaning as in the Collection Act.

5 Application to Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory.

6 Imposition of levy

Levy payable in respect of a sea-going ship in accordance with the Collection Act is imposed.

7 Amount of levy

- (1) Where levy is payable in respect of a ship, the amount of levy is the amount, or the total of the amounts, worked out using whichever of the levy rates apply to the ship.
- (2) For the purposes of this Act, each of the following rates is a levy rate in relation to a ship:
 - (a) 63 cents, or such other amount (if any) as is from time to time prescribed, for each of the first 5,000 tons of the ship's tonnage;
 - (b) 53 cents, or such other amount (if any) as is from time to time prescribed, for each ton by which the ship's tonnage is more than 5,000 tons but not more than 20,000 tons;
 - (c) 43 cents, or such other amount (if any) as is from time to time prescribed, for each ton by which the ship's tonnage is more than 20,000 tons but not more than 50,000 tons;
 - (d) 33 cents, or such other amount (if any) as is from time to time prescribed, for each ton by which the ship's tonnage is more than 50,000 tons.

8 Regulations

- (1) The Governor-General may make regulations for the purposes of subsection 7(2).
- (2) The regulations must not prescribe an amount for the purposes of paragraph 7(2)(a), (b), (c) or (d) that increases the amount applicable under that paragraph by more than 15% in any period of 12 consecutive months.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be

Endnote 1—About the endnotes

given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Marine Navigation Levy Act 1989	161, 1989	18 Dec 1989	1 July 1990 (s 2)	
Navigation (Consequential Amendments) Act 2012	129, 2012	13 Sept 2012	Sch 2 (items 17, 18): 1 July 2013 (s 2(1))	—
Statute Update (Autumn 2018) Act 2018	41, 2018	22 May 2018	Sch 4 (item 9): 19 June 2018 (s 2(1) item 4)	—

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Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 3	am No 129, 2012
s 5	am No 41, 2018
